

REMARKS

The Office Action objects to the specification and objects to claims 5-7, 9, 10, 13, 15-17 and 19-37. The Office Action rejects claims 1-4, 8, 11, 12, 14, 18 and 38-48.

Applicants amend claims 47 and 48. Accordingly, claims 1-48 are pending.

The rejections and objections are traversed or obviated below, and reconsideration of all claims is respectfully requested.

Objection to the Specification

The Office Action objects to the specification as failing to provide proper antecedent basis for "a damping pot" in claim 42. This objection is respectfully traversed.

At least paragraph [0045] on page 11 of the specification supports the phrase "a damping pot" in claim 42. Accordingly, withdrawal of this objection to the specification is respectfully requested.

Rejection of Claims 47-48 Under 35 U.S.C. §112, second paragraph

Claims 47 and 48 are rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants amend claims 47 and 48 to obviate this rejection. Accordingly, withdrawal of the rejection of claims 47 and 48 under 35 U.S.C. §112, second paragraph is respectfully requested.

Rejection of Claims Under 35 U.S.C. §102(b)

The Office Action rejects claims 1, 2, 4, 8, 11, 14, 18 and 38-46 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 2,628,142 issued to Dubach. This rejection is respectfully traversed.

Dubach does not disclose, teach or suggest at least, "A stand for a display, comprising: ...a mounting bracket, engaged with the first end of the supporting member, to engage the display," as recited in claim 1.

As noted in column 1, lines 1-5 of Dubach, Dubach discloses portable and adjustable tray supports adapted for use in operating rooms or as a serving tray or table for bed patients. Dubach does not disclose, teach or suggest applying its hospital tray or serving tray to engage a display.

As is clear from MPEP §2111.02, if functional features recited in the preamble [or body]

give life to the claimed invention or if functional features in the body of the claim thereby limit the structure, then the claimed features must be given sufficient weight, searched, and addressed in any rejection of the claim. (Emphasis added)

"A functional limitation must be evaluated and considered, just like any other limitation of the claim, for what it fairly conveys to a person of ordinary skill in the pertinent art in the context in which it is used," e.g., a functional limitation may be used to functionally define a particular capability or purpose that is served by the recited element. MPEP § 2173.05(g) ("[i]n a claim that was directed to a kit of component parts capable of being assembled, the Court held that limitations such as "members adapted to be positioned" and "portions . . . being resiliently dilatable whereby said hosing may be slidably positioned" serve to precisely define present structural attributes of interrelated component parts of the claimed assembly.")

Thus, any functional language in a claim under review must be considered as to how it may be further defining the structural attributes of the claimed invention. It is respectfully submitted that the use of the term display in the presently claimed invention imparts structural requirements of the same. As noted above, Dubach fails to disclose this aspect of the claimed invention.

Moreover, Dubach does not disclose, teach or suggest at least, "a supporting member having first and second ends, disposed inside a supporting case, the second end being rotatably seated on the base," as recited in claim 1.

The Office Action asserts that tubular member 13 of Dubach teaches a "supporting member." However, Dubach does not teach, disclose or suggest the tubular member 13 is rotatably seated on the base.

Therefore, for at least the above reasons, it is respectfully submitted that claim 1 patentably distinguishes from the cited reference.

Claims 2-10 and 30-33 depend from claim 1 and include all of the features of that claim plus additional features which are not taught or suggested by the cited reference. Therefore, for at least these reasons, it is respectfully submitted that claims 2-10 and 30-33 also patentably distinguish over the cited reference.

Similarly, Dubach does not disclose, teach or suggest at least, "A stand for a display comprising:...a mounting bracket, engaged with a first end of the rotating case, to engage the display," as recited in claim 11.

Moreover, Dubach does not disclose, teach or suggest at least, "a rotating case,

rotatably combined with a first end of the supporting case," as recited in claim 11. In addition, the Office Action does not even identify a structure in Dubach corresponding to "a rotating case," as recited in claim 11.

Therefore, for at least these reasons, claim 11 patentably distinguishes over the cited reference.

Claims 12-29 and 34-37 depend from claim 11 and include all the features of that claim plus additional features which are not taught or suggested by the cited reference. Therefore, for at least these reasons, it is respectfully submitted that claims 12-29 and 34-37 also patentably distinguish over the cited reference.

Similarly, Dubach does not disclose, teach or suggest at least, "A stand for a display comprising:...a mounting bracket, engaged with the first end of the supporting member, to engage the display," as recited in claim 38.

Further, Dubach does not disclose, teach or suggest at least, "a supporting member having first and second ends, rotatably engaged with the base at the second end of the supporting member," as recited in claim 38.

Therefore, for at least these reasons, it is respectfully submitted that claim 38 patentably distinguishes from the cited reference.

Claims 41 and 42 depend from claim 38 and include all of the features of that claim plus additional features which are not taught or suggested by the cited reference. Therefore, for at least these reasons, it is respectfully submitted that claims 41 and 42 also patentably distinguish over the cited references.

Similarly, Dubach does not disclose, teach or suggest at least, "A stand for a display comprising:...a mounting bracket, engaged with a first end of the rotating case, to engage the display," as recited in claim 39.

Further, Dubach does not disclose, teach or suggest at least, "a rotating case, rotatably engaged with a supporting member," as recited in claim 39.

For at least these reasons, it is respectfully submitted that claim 39 patentably distinguishes from the cited reference.

Claims 40 and 43-46 depend from claim 39 and include all of the features of that claim plus additional features which are not taught or suggested by the cited reference. Therefore, for at least these reasons, it is respectfully submitted that claims 40 and 43-46 also patentably distinguish over the cited reference.

Rejection of Claim 47 Under 35 U.S.C. §102(b)

The Office Action rejects claim 47 as being anticipated by U.S. Patent 5,751,548 to Hall et al. (hereinafter referred to as "Hall"). This rejection is respectfully traversed.

Hall does not disclose, teach or suggest at least, "a rotating case that engages the second end of the cylinder, wherein the rotating case slides over at least a portion of the supporting case," as recited in claim 47.

The Office Action asserts that rotational sleeve 91 corresponds to a "rotating case." However, it is clear from Figure 8, that rotating sleeve 91 cannot overlap outer part 85, because inner cylindrical part 83 moves rotating case 91 above outer part 85.

Therefore, for at least these reasons, claim 47 patentably distinguishes over the cited reference.

Rejection of Claim 3 Under 35 U.S.C. §103(a)

The Office Action rejects claim 3 under 35 U.S.C. §103(a) as being unpatentable over Dubach in view of U.S. Patent 6,499,704 to Oddsen, Jr. (hereinafter referred to as "Oddsen"). This rejection is respectfully traversed.

The Office Action asserts, "Dubach discloses the claimed invention except for a limitation of the base plate having extending part and first and second covers."

As discussed above, claim 3 depends from claim 1. Dubach does not disclose, teach or suggest at least, "A stand for a display, comprising: ... a mounting bracket, engaged with the first end of the supporting member, to engage the display," as recited in claim 1 from which claim 3 depends.

In addition, Dubach and Oddsen do not disclose, teach or suggest, together or alone, at least, "a supporting member having first and second ends, disposed inside the supporting case, the second end being rotatably seated on the base," as cited in claim 1 from which claim 3 depends.

In addition, it is respectfully submitted that one of ordinary skill in the art would not have been motivated to combine hospital tray supports with a pole stand apparatus for mounting electronic devices. Other than the need to combine the references to disclose the presently claimed invention, there would not appear to be any other rationale for such a combination. Neither reference would appear to need the other, and the presently claimed invention (and corresponding disclosure) would appear to be the only evidence in the record for any motivation for the same.

Thus, it is respectfully submitted that it would not have been obvious to combine the cited references as proffered. In addition, as it would appear that the present application would be the only "evidence" in the record for motivation for the proffered combination, it is respectfully submitted that the outstanding obviousness rejection fails to set forth a *prima facie* obviousness case.

Therefore, for at least these reasons, it is respectfully submitted that claim 3 patentably distinguishes over the cited references.

Objections to Claims 7, 9, 10, 13, 15-17, 19-37, and 48

For at least these reasons, it is respectfully submitted that claims 7, 9, 10, 13, 15-17, 19-37, and 48 are in condition for allowance. Accordingly, withdrawal of the objection to claims 7, 9, 10, 13, 15-17, 19-37 and 48 is respectfully requested.

Summary

Claims 1-48 are pending and are under consideration. It is respectfully submitted that none of the references taken alone or in combination disclose the present claimed invention.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

By:

Stephen T. Boughner
Registration No. 45,317

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1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501